

CABINET

Minutes of a meeting of the Cabinet held in the Council Chamber, County Hall, Ruthin on Tuesday, 24 April 2018 at 10.00 am.

PRESENT

Councillors Hugh Evans, Leader and Lead Member for the Economy and Corporate Governance; Bobby Feeley, Lead Member for Well-being and Independence; Huw Hilditch-Roberts, Lead Member for Education, Children and Young People; Brian Jones, Lead Member for Highways, Planning and Sustainable Travel; Richard Mainon, Lead Member for Developing Community Infrastructure; Tony Thomas, Lead Member for Housing, Regulation and the Environment; Julian Thompson-Hill, Lead Member for Finance, Performance and Strategic Assets, and Mark Young, Lead Member for Corporate Standards

Observers: Councillors Mabon Ap Gwynfor, Martyn Holland, Huw Jones, Gwyneth Kensler, Arwel Roberts, Glenn Swingler, Rhys Thomas and Emrys Wynne

ALSO PRESENT

Chief Executive (JG); Corporate Directors: Economy and Public Realm (GB) and Communities (NS); Heads of Service: Legal, HR and Democratic Services (GW), Community Support Services (PG) and Finance/S.151 Officer (RW); Legal Services Manager (LJ); Built Environment Manager (GR); Finance and Assurance Manager (GW); Service Manager – Client Services (KN); Commercial Development Manager (DM); Lead Officer – Corporate Property and Housing Stock (DL) and Committee Administrator (KEJ)

POINTS OF NOTICE

- (i) the Leader welcomed Judith Greenhalgh, Chief Executive to her first meeting of the Cabinet and members present were introduced
- (ii) Councillor Huw Hilditch-Roberts referred to the positive findings of the recent Estyn Inspection of Education Services and paid tribute to the hard work and contributions of all those involved in that success, both past and present – specific mention was made to Karen Evans, Head of Education and Children's Services

1 APOLOGIES

There were no apologies.

2 DECLARATION OF INTERESTS

Councillor Tony Thomas declared a personal interest in agenda item 9 – Properties on West Parade and Sussex Street, Rhyl because he was a Rhyl Town Councillor.

3 URGENT MATTERS

No urgent matters had been raised.

4 MINUTES

The minutes of the Cabinet meeting held on 20 March 2018 were submitted.

RESOLVED that the minutes of the meeting held on 20 March 2018 be approved as a correct record and signed by the Leader.

5 FINANCE REPORT

Councillor Julian Thompson-Hill presented the report detailing the latest financial position and progress against the agreed budget strategy. He provided a summary of the Council's financial position as follows –

- service and corporate budgets were forecast to be underspent by £889k with options as to how the underspend could be utilised if the position remained
- highlighted current risks and variances relating to individual service areas including a number of uncertainties which may affect the financial outturn
- a projected net deficit balance of £0.844m for schools and impact of the additional Welsh Government allocation of £484k for maintenance costs, and
- provided a general update on the Housing Revenue Account, Housing Capital Plan and the Capital Plan (including the Corporate Plan element).

The following matters were raised during debate –

- pressures on Children and Adult Services had been well documented and would be considered during the budget process along with other identified pressures
- an assessment of costs incurred as a result of the extreme weather conditions was being undertaken and whilst Welsh Government had announced funding for councils to offset those costs it would not cover the entire amount incurred – it was noted that Welsh Government officials would be attending a future meeting of the Performance Scrutiny Committee to discuss highway funding
- the Council was not liable for school transport costs to Denbigh College because it was a tertiary facility but other ancillary costs would be incurred as a result of its closure
- Councillor Mabon Ap Gwynfor proposed that funding for education, specifically additional learning needs, be included as an option for the potential underspend with a report to scrutiny on its allocation. Councillor Julian Thompson-Hill explained the reasoning behind the options identified within the report and clarified the decision making process for allocation of the final underspend – the underspend represented one-off cash funding and a final figure would be included in the financial outturn report to Cabinet in June to determine how it would be utilised. Councillor Huw Hilditch-Roberts highlighted the significant investment in education and felt there would be merit in providing members with further detail in terms of how education was funded, including the commitment to Band B funding, in order for them to gain a better understanding in that

regard. It was agreed to provide that information as part of the next members' budget workshop.

RESOLVED that Cabinet notes the budgets set for 2017/18 and progress against the agreed budget strategy.

6 CABINET FORWARD WORK PROGRAMME

The Cabinet Forward Work Programme was presented and it was noted that the financial outturn report would be added to the work programme for June.

RESOLVED that Cabinet's Forward Work Programme be noted.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 14 and 15 of Part 4 of Schedule 12A of the Act.

7 FORMER NORTH WALES HOSPITAL, DENBIGH

Councillor Hugh Evans presented the confidential report seeking a decision on the preferred party to take ownership of the site once the Compulsory Purchase Order had been completed.

The report detailed the process for determining the preferred party based on a development agreement approach together with the technical assessment of the tender submissions including the evaluation criteria and scoring matrix. Cabinet was asked to assess each proposal for the site having regard to all the information provided in order to determine the preferred development option. Officers reported upon some late information received from one of the parties and discussed with members how much weight should be attached to that information.

Cabinet considered the merits of the proposals having regard to the evaluation criteria and weighting attached to each criteria. Non Cabinet members were also given the opportunity to share their views and local Denbigh members were specifically invited to contribute to debate. Officers responded to questions and it was noted that the detail of the development would be subject to the planning process. The importance of the site was reiterated together with the need to develop the site in order to provide the historic buildings with a sustainable future whilst also benefitting the economy. In reaching their decision members acknowledged the complex history of the site and thanked officers for their hard work in progressing to the current stage in the process to safeguard the site. It was noted that the Denbigh members supported the recommendations in the report and the preferred bidder as advised by Cabinet.

RESOLVED that Cabinet –

- (a) *confirms Jones Bros in association with the North Wales Building Preservation Trust as the preferred party to take ownership of the site upon completion of the Compulsory Purchase Order;*
- (b) *agrees to the Council entering into a Development Agreement and Occupational Licence, that is acceptable to the Council, taking effect on the completion of the Compulsory Purchase Order and delegates authority to negotiate the terms and conditions to the Corporate Director: Economy and Public Realm in consultation with the Lead Member for Economy and Corporate Governance, Head of Legal, HR and Democratic Services and the Head of Finance (i.e. the Section 151 Officer), and*
- (c) *recommends that Planning Committee formerly authorise the serving of the General Vesting Declaration, which is the last stage of confirming the Compulsory Purchase Order, having regard to (a) and (b) above.*

At this point (11.05 a.m.) the meeting adjourned for a refreshment break.

8 IN HOUSE SERVICE UPDATE REPORT

Councillor Bobby Feeley presented the confidential report regarding the tender exercise in relation to the transfer of Hafan Deg Day Care Centre in Rhyl and sought approval of the contract award to the preferred bidder identified in the report to take over the lease and running of the day care service.

Some background information was provided on the decision regarding the future provision of services at Hafan Deg including the extensive consultation process and involvement of Performance Scrutiny Committee and Task and Finish Group in evaluating potential impacts. Details of the tendering exercise and outcome of the evaluation process had been included within the report together with proposed future monitoring of the contract management plan via Performance Scrutiny Committee. Councillor Huw Jones, Chair of Performance Scrutiny Committee advised of the outcome of the Task and Finish Group and subsequent report to Performance Scrutiny Committee and confirmed that, subject to a number of observations and assurances in relation to the tender evaluation process, it was recommended that Cabinet support the contract award to the preferred bidder. Councillor Jones also highlighted the difficulties faced by the Task and Finish Group within the scrutiny process but was satisfied that the issues had been resolved with lessons learned for the future. Councillor Glenn Swingler was also a member of the Task and Finish Group and voiced his concerns regarding the scrutiny process in this case.

During debate officers responded to questions regarding safeguards within the contract and elaborated upon sub-letting provisions, financial and quality controls and performance measures. Reference was also made to the contract management arrangements to ensure a smooth transition and monitor the effectiveness of service delivery. Cabinet noted the benefits of the transfer which would enhance and expand the services currently on offer. Consequently it was –

RESOLVED that Cabinet agrees the awarding of the contract to the preferred bidder as identified within the report.

9 PROPERTIES ON WEST PARADE AND SUSSEX STREET, RHYL

Councillor Julian Thompson-Hill presented the confidential report seeking approval of the acquisition of Phase 1 buildings and taking of an option to acquire the Phase 2 buildings in Rhyl Town Centre as detailed within the report.

The reasoning behind the proposed acquisitions was explained in order to facilitate a project to improve the vitality of Rhyl town centre by returning a site occupied by under-utilised and derelict properties to productive uses which would enhance the town offer. It was proposed that the acquisitions only proceed on the basis that they would be fully funded externally (via grant funding) at no cost to the Council.

The Leader added his support to the recommendation which he believed to be a key element in the next step to link the investment in the new waterfront developments to the town centre and to stimulate further private sector investment in the town. Cabinet noted the regeneration merits of the proposal and supported the recommended acquisitions on the basis as set out within the report.

RESOLVED that Cabinet –

- (a) *approves the acquisition of Phase 1 land and buildings and the completion of an Option to acquire Phase 2 land and buildings conditional on the following terms -*
- *the proposed acquisition is 100% externally funded and that there are no revenue costs associated with any of the acquisitions. If for any reason the grant funding for the proposal is not forthcoming then the acquisition should not proceed*
 - *prior to the serving of any Option Notice to acquire the Phase 2 land and buildings, the Council must satisfy the same conditions precedent before obtaining approval to serve the Notice*
- (b) *confirms that it has read, understood and taken account of the Well-being Impact Assessment attached as Appendix 2 to the report as part of its consideration.*

10 GYSPY AND TRAVELLER SITES

Councillor Tony Thomas presented the confidential report regarding proposals for the Council to meet the needs identified in the Denbighshire Gypsy and Traveller Accommodation Assessment (GTAA).

The Housing (Wales) Act 2014 required local authorities to undertake an assessment of Gypsy and Traveller accommodation needs and make provision if a need was identified. The GTAA had identified a need for one permanent residential site and one transit site and an outline of the actions to date in the site selection process to meet those needs had been provided within the report together with the

availability of grant funding and timescales for delivery. Following a detailed assessment process of potential sites it was recommended that further development work be undertaken on specific sites identified within the report. It was clarified that Welsh Government was reluctant to grant funding for residential and transit sites in close proximity and further investigation would be required to pursue that option.

During a detailed debate reference was made to the comprehensive work carried out to date in identifying and assessing the viability of particular sites. It was acknowledged that there was a statutory requirement to meet the needs identified and there was some debate as to whether provision for both residential and transit sites could be met simultaneously and if not whether there was a preference on which provision should be met first, particularly given the tight timescales in which to apply for grant funding. Councillor Richard Mainon challenged some of the assumptions made in the site options appraisal and reasoning behind the recommendations as to which sites should be progressed. He also felt more consideration should be given to the individual merits of each site rather than focusing on the availability of grant funding. Councillor Tony Thomas outlined the current position and potential outcomes and highlighted the availability of grant funding as an important consideration within that process.

Councillor Mainon asked that the outcome of the vote be recorded on this item. Upon being put to the vote 7 members voted in favour of the recommendation and 1 member voted against the recommendation. Consequently it was –

RESOLVED that Cabinet approve that further development work is undertaken on the sites as recommended in Appendix 4 of the report in order to progress to Planning Application Stage.

Councillor Richard Mainon asked for it to be recorded that he voted against the above resolution.

The meeting concluded at 1.35 p.m.